

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 480 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgment?-No
 2. To be referred to the Reporter or not?-No :
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgment?-No
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?-No
 5. Whether it is to be circulated to the Civil Judge?-No :

BAVISGAM CHAROTAR LEUVA PATIDAR SAMAJ

Versus

SHASHIKANT BHAILALBHAI PATEL

Appearance:

MR DC DAVE for Petitioner

MR KG SUKHWANI for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 01/11/1999

ORAL JUDGEMENT

Admit. Service of notice is waived by learned
Advocate Shri Sukhwani for the respondent.

At the request of the learned Advocates and with
their consent, the Appeal is finally heard today.

After hearing the concerned Advocates and looking
to the facts of the case, it appears that the appeal

deserves to be allowed, especially in view of the fact that by an interlocutory order passed below Exhibit 5, the trial court has practically decreed the suit. Learned Advocate Shri Sukhwani has submitted that it would be just and proper to make some observation with regard to an early hearing of the suit, because, it would be in the interest of both the parties that hearing of the suit is expedited.

The learned Advocates appearing for the parties have assured this Court that the Advocates appearing before the trial court and the litigants shall extend their cooperation to the trial court so that hearing of the suit can be expedited. Looking to the facts of the case, it is hoped that the trial is concluded, preferably on 30th September, 2000.

Learned Advocate Shri Dave has submitted that some of the observations, which have been made in the impugned order, might come in the way so far as the defendant is concerned. Needless to say that the observations, which might have been made in the impugned order, are only tentative. The trial court shall decide the matter only after considering the entire evidence, which might be adduced in the course of the trial.

In view of the above, the Appeal is allowed with no order as to costs. The impugned order dated 11th August, 1999 passed below Exhibit 5 in Special Civil Suit No.25 of 1998 in the Court of Civil Judge (Senior Division), Anand, is hereby quashed and set aside.

(apj)